

REMARKS

The above amendments and following remarks are responsive to the points raised in the July 12, 2005 non-final Office Action and the issues raised in the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed November 9, 2005. Upon entry of the above amendments, Claims 1, 5, 6, 7, and 9 will have been amended, Claim 2 will have been canceled, new Claims 20-22 will have been added, and Claims 1, 3-7, 9, and 11-22 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to the Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 9 has been rejected under 35 U.S.C. § 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

Applicant has amended Claim 9 to obviate this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, is now moot and should be withdrawn.

Response to the Claim Objections

Claims 5 and 6 have been objected on the basis of various identified informalities. Claims 3-7, 9, and 11-20 have been objected on the basis that such claims, in effect, include terms used contrary to their ordinary meaning.

Applicant has amended the claims to obviate this objection and respectfully request that the Examiner reconsider and withdraw her objection to Applicant’s use of the

word “lug”, which the Examiner urges, in effect, is being used by Applicant in a manner contrary to its ordinary meaning. More specifically, the Examiner states that:

“[t]he term ‘lug’ in claims 3-7, 9, 11-20 is used by the claims to mean a connecting point portion for fixing to a housing’, which the accepted meaning is ‘nut used to secure a wheel an on [sic] automotive vehicle.’”

Accompanying this Amendment is, inter alia, a copy of Page 789 of the RANDOM HOUSE WEBSTER’S COLLEGE DICTIONARY, Random House, Inc., 1999, which includes a first definition of the noun “lug” as:

“1. a projecting piece by which anything is held or supported.”

Such definition is consistent with Applicant’s use of the word “lug”. Applicant’s lug, as disclosed and shown in various figures, is a projecting piece between the headlamp housing and the chassis by which the headlamp housing fixed to the chassis. As such, Applicant use of the word “lug” is **not** inconsistent with the ordinary meaning of the word “lug”. Additionally, the Examiner’s above words of “[t]he term ‘lug’ in claims 3-7, 9, 11-20 is used by the claim to mean ‘a connection portion for fixing a housing’” is consistent with both the above Random House definition and Applicant’s use of the word. Contrary to the Examiner’s above words, however, a nut that is used to secure a wheel on an automotive vehicle is commonly referred to as a “lug nut”, which fits over the lug, or bolt.

Accordingly, this objection is moot and should be withdrawn.

Response to the Rejection under 35 U.S.C. § 102(b)

Claims 1, 3-6, 11, 13, and 20 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 6,471,386 to Oh. Applicant respectfully traverses this rejection.

Applicant respectfully submits that Claim 1 is neither taught nor suggested by the applied reference of Oh. In the interest of advancing the prosecution of this application, however, Claim 1 has been amended, inter alia, to include the language introduced in original dependent Claim 2, the subject matter of which **has not been rejected** by the Examiner on any grounds including the prior art. The subject matter of newly added Claims 21 and 22 is consistent with the above amendments to Claim 1.

Claim 1 recites a headlamp for a motor vehicle that includes a means for fixing the housing on the chassis that is deformable by traction. The Examiner urges that elements 11-15, i.e., mounting boss 11, a bellows spring 12, bellows spring bracket 13, bolt 14, and snap fitting pin 15, are readable on Applicant's recited "means being deformable." No where is it seen within the teaching of Oh where the elements 11-15 thereof are disclosed as being deformable by traction. In contrast, Oh, in Column 2, Lines 40 and 42, for example, discloses that the bellows spring bracket 13 has sufficient elasticity to bend, which is different from traction. As such, the subject matter recited in independent Claim 1, as well as dependent Claims 3-19, is distinguished over the disclosure of Oh. Since the language of newly added independent Claims 21 and 22 is consistent with the language of Claim 1, the subject matter of Claims 21 and 22 are also distinguished over the disclosure of Oh.

Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Allowable Subject Matter

The Examiner has objected to Claim 6, 7, 12, and 14-19 “as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” The Examiner has also objected to Claim 9 as being “allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.”

Applicant concurs with the examiner holding for these claims, but also believes that Claims 1, 3-5, 9, 11, 13, and 20-22 are also allowable over the prior art. The amendment to Claim 7 corrects an informality.

CONCLUSION

Applicant respectfully submits that Claims 1, 3-7, 9, and 11-22 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1948-4818.

Respectfully submitted,
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